



CITY OF SUNRISE

AGENDA ITEM REQUEST

ORIGINATING DEPARTMENT: PLANNING AND DEVELOPMENT

ROUTING:

CITY MANAGER:

DATE: 7/9/2009

CITY MANAGER APPROVAL TO BEGIN PROCEDURES.

SIGNATURE: [Signature]

PURCHASING:

DATE: _____

PURCHASING APPROVAL:

SIGNATURE: _____

LEGISLATIVE AIDE:

DATE: 7/9/09 [Signature]

CITY ATTORNEY:

DATE: 7/9/09 [Signature]

ITEM REQUEST:

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, AMENDING THE COMPREHENSIVE PLAN PURSUANT TO SECTION 163.3191 (10), FLORIDA STATUTES, BY UPDATING THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, INFRASTRUCTURE ELEMENT, CONSERVATION ELEMENT, RECREATION AND OPEN SPACE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, CAPITAL IMPROVEMENTS ELEMENT AND PUBLIC SCHOOL FACILITIES ELEMENT IN ACCORDANCE WITH THE EVALUATION AND APPRAISAL REPORT (EAR); UPDATING THE FORMAT OF THE FUTURE LAND USE MAP (FLUM); PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AUTHORIZING STAFF TO TRANSMIT THE AMENDMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

FUNDING SOURCE:

AMOUNT:

MANAGEMENT & BUDGET DIRECTOR
SIGNATURE: _____

ATTACHED EXHIBITS:

1. ORDINANCE
 2. EXHIBIT A - COMPREHENSIVE PLAN VOL. 1 PROPOSED EAR-BASED AMENDMENTS (UNDER SEPARATE COVER)
 3. PUBLIC NOTICE DISPLAY ADVERTISEMENT PUBLISHED IN THE SUN-SENTINEL ON JANUARY 27, 2009, FEBRUARY 3, 2009 AND JULY 9, 2009.
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SUMMARY EXPLANATION/BACKGROUND INFORMATION/JUSTIFICATION:

SECTION 163.3191, FLORIDA STATUTES, REQUIRES THAT ALL LOCAL GOVERNMENTS UPDATE THEIR COMPREHENSIVE PLAN FOLLOWING ADOPTION OF A COMPREHENSIVE PLAN EVALUATION AND APPRAISAL REPORT (EAR). THE CITY COMMISSION ADOPTED THE CITY'S EAR BY RESOLUTION 06-56 IN APRIL 2006. SUBSEQUENTLY, THE CITY COMMISSION AMENDED THE COMPREHENSIVE PLAN FOR PUBLIC SCHOOL FACILITIES, WATER SUPPLY PLANNING AND THE ANNUAL UPDATE OF THE CAPITAL IMPROVEMENTS ELEMENT. THE PURPOSE OF THIS AMENDMENT IS TO IMPLEMENT THE REMAINING RECOMMENDATIONS CONTAINED IN THE EAR, BY UPDATING GOALS, OBJECTIVES AND POLICIES OF THE COMPREHENSIVE PLAN. IN ADDITION, THE PROPOSED AMENDMENT INCLUDES REVISIONS TO THE HOUSING ELEMENT FOR AFFORDABLE AND WORKFORCE HOUSING, AN UPDATED FUTURE LAND USE MAP IN COLOR FORMAT, UPDATED DATES, AND CORRECTION OF SOME MINOR SCRIVENER'S ERRORS. THESE CHANGES ARE IDENTIFIED IN EXHIBIT "A".

THIS ORDINANCE WAS FIRST READ ON FEBRUARY 10, 2009 AND WAS SUBSEQUENTLY TRANSMITTED TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR REVIEW ON MAY 4, 2009. DCA ISSUED AN "OBJECTIONS, RECOMMENDATIONS AND COMMENTS" (ORC) REPORT. SINCE FIRST READING EXHIBIT "A" HAS BEEN REVISED AS FOLLOWS IN RESPONSE TO THE ORC:

1. ADDITION OF AN EXISTING LAND USE MAP; (FIGURE # A-7)
2. ADDITION OF TRANSPORTATION ELEMENT POLICY 10.1.4 TO ADOPT THE BROWARD COUNTY TRANSPORTATION ELEMENT MAP SERIES BY REFERENCE;
3. ADDITION OF DATE TO THE FLUM, INDICATING THE 10-YEAR PLANNING PERIOD; AND
4. AMENDMENT TO TRANSPORTATION ELEMENT POLICY 2.1.2 AND ADDITION OF CAPITAL IMPROVEMENT ELEMENT POLICY 1.2.6 TO CLARIFY THE LEVEL OF SERVICE STANDARD FOR STRATEGIC INTERMODAL SYSTEM FACILITIES.

IN ADDITION, SINCE FIRST READING, EXHIBIT "A" HAS BEEN REVISED TO AMEND THE TEXT OF THE FUTURE LAND USE ELEMENT, TO:

1. CLARIFY HOW SPECIAL EXCEPTION USES ARE REGULATED IN THE FUTURE LAND USE ELEMENT, PURSUANT TO CHAPTER 16 OF THE CITY CODE OF ORDINANCES (LAND DEVELOPMENT CODE);
2. PERMIT AUTO REPAIR USES IN THE INDUSTRIAL LAND USE CATEGORY;
3. UPDATE THE FUTURE LAND USE MAP (FLUM) AND FUTURE LAND USE ELEMENT (FLUE) TO INCLUDE THE LOCAL ACTIVITY CENTER (LAC) AND TRANSIT ORIENTED DEVELOPMENT (TOD) LAND USES ADOPTED BY CITY COMMISSION ON FEBRUARY 10, 2009; AND

4. CORRECT MINOR SCRIVENER'S ERRORS.

IN ACCORDANCE WITH "THE CITY OF SUNRISE NEIGHBORHOOD ASSOCIATION BILL OF RIGHTS" (ORDINANCE 490), NOTIFICATION OF THIS AMENDMENT WAS MAILED TO REGISTERED ASSOCIATIONS ON DECEMBER 28, 2008 AND ON JUNE 4, 2009. NO RESPONSES WERE RECEIVED.

SUBJECT TO CITY COMMISSION APPROVAL OF THIS ORDINANCE, CITY STAFF WILL TRANSMIT THE ADOPTED AMENDMENT TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) AND OTHER REQUIRED AGENCIES, PURSUANT TO SECTIONS 163.3191 AND 163.3184, F. S. AND RULE 9J-11, FLORIDA ADMINISTRATIVE CODE.

DEPARTMENT HEAD RECOMMENDATION:

APPROVAL

PERSON WITH ADDITIONAL INFORMATION:

NAME: JO SESODIA, AICP
ASSISTANT DIRECTOR


PHONE: (954) 746-3279

DEPARTMENT HEAD SIGNATURE:


MARK S. LUBELSKI, P.E.
DIRECTOR OF PLANNING & DEVELOPMENT

CITY MANAGER RECOMMENDATIONS:

APPROVED FOR AGENDA PLACEMENT.

SIGNATURE:  (CITY MANAGER)

SUNRISE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, AMENDING THE COMPREHENSIVE PLAN PURSUANT TO SECTION 163.3191 (10), FLORIDA STATUTES, BY UPDATING THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, INFRASTRUCTURE ELEMENT, CONSERVATION ELEMENT, RECREATION AND OPEN SPACE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, CAPITAL IMPROVEMENTS ELEMENT AND PUBLIC SCHOOL FACILITIES ELEMENT IN ACCORDANCE WITH THE EVALUATION AND APPRAISAL REPORT (EAR); UPDATING THE FORMAT OF THE FUTURE LAND USE MAP (FLUM); PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AUTHORIZING STAFF TO TRANSMIT THE AMENDMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sunrise adopted an Evaluation and Appraisal Report (EAR) on April 11, 2006 by Resolution 06-56 pursuant to Section 163.3191, Florida Statutes; and

WHEREAS, the EAR recommended certain changes to the goals, objectives and policies of the City of Sunrise Comprehensive Plan;

WHEREAS, Section 163.3191 (10), Florida Statutes requires that local governments amend their Comprehensive Plan based on the recommendations of the EAR; and

WHEREAS, the City of Sunrise is proposing amendments to the objectives and policies of the Future Land Use

Element, Transportation Element, Housing Element,
SRMRG0203 1 C09041
~~scored-through~~ words are deletions and
underscored words are additions for 1st Reading
double-underscored and bold words are
additions for 2nd Reading

Infrastructure Element, Conservation Element, Recreation and Open Space Element, Intergovernmental Coordination Element, Capital Improvements Element and Public School Facilities Element to update and enhance the Comprehensive Plan in accordance with the recommendations of the EAR; and

WHEREAS, registered Neighborhood Associations have been notified of the proposed amendments affecting the Future Land Use Element, pursuant to City of Sunrise Ordinance 490; and

WHEREAS, the City Commission of the City of Sunrise, sitting as the Local Planning Agency, held a duly noticed public hearing on February 10, 2009, reviewed the proposed amendments, and recommended approval to itself as the governing body of the City of Sunrise; and

WHEREAS, the Florida Department of Community Affairs and other units of local government and governmental agencies as required by law, have reviewed the proposed amendments and submitted their comments, if any, to the City Commission for consideration before second reading of this Ordinance; and

WHEREAS, the City Commission subsequently held a duly noticed public hearing, as the governing body of the City of Sunrise, and after having received input from interested

members of the public and staff, and, having considered its prior recommendation for approval as the Local Planning Agency, evidenced an intent to adopt the Future Land Use Element, Transportation Element, Housing Element, Infrastructure Element, Conservation Element, Recreation and Open Space Element and Intergovernmental Coordination Element as required by law; and

WHEREAS, the City Commission finds the proposed Comprehensive Plan amendments attached to this Ordinance in compliance with and consistent with Florida law and its Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Volume 1 of the City of Sunrise Comprehensive Plan is hereby amended as provided in Exhibit "A", which is attached hereto and made a part of this Ordinance.

Section 3. The format of the Future Land Use Map (FLUM) is hereby updated from black and white to a computer-drafted color format, as provided in Exhibit "A"

which is attached hereto and made a part of this Ordinance. The approved land use designations of all parcels within the City remain unchanged. This updated format does not constitute a FLUM amendment.

Section 4. City staff is authorized to transmit certified copies of this Ordinance containing these amendments to the Florida Department of Community Affairs, and other review agencies as required by Section 163.3184, Florida Statutes, for review after adoption of the Ordinance.

Section 5. The City Commission hereby adopts and approves these amendments to of the City's Comprehensive Plan, pursuant to Section 163.3184, Florida Statutes, upon second reading of this Ordinance.

Section 6. Inclusion in the Comprehensive Plan. It is the intention of the City Commission and it is hereby ordained that the amendments to the Comprehensive Plan made by this Ordinance shall become part of the Comprehensive Plan of the City of Sunrise.

Section 7. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in

conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 9. Effective Date. This Ordinance shall be effective immediately upon passage by the City Commission on second reading, except that the effective date of the revised Comprehensive Plan shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the Plan Amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. The Department of Community Affairs notice of intent to find the Plan Amendment in compliance shall be deemed to be a final order if no timely petition challenging the Plan Amendment is filed.

PASSED AND ADOPTED upon this first reading this 10TH day of FEBRUARY, 2009.

PASSED AND ADOPTED upon this second reading this _____
day of _____, 2009.

Mayor Roger B. Wishner

Authentication:

Felicia M. Bravo
City Clerk

FIRST READING

MOTION: ROSEN
SECOND: SCUOTTO

ALU: YEA
ROSEN: YEA
SCUOTTO: YEA
WISHNER: YEA

SECOND READING

MOTION: _____
SECOND: _____

ALU: _____
ROSEN: _____
SCUOTTO: _____
SOFIELD: _____
WISHNER: _____

Approved by the City Attorney
As to Form and Legal Sufficiency.

Stuart R. Michelson

SUNRISE CITY CODE NOTICE OF PROPOSED AMENDMENT

The City of Sunrise proposes to adopt the following ordinance:

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA AMENDING CHAPTER 3 "ALCOHOLIC BEVERAGES", ARTICLE 1 "ALCOHOLIC BEVERAGES" BY AMENDING SECTION 3-4 "HOURS OF SALE, CONSUMPTION, AND SERVICE RESTRICTED", AMENDING ARTICLE 2 BY AMENDING SECTION 3-9 "EXTENDED HOURS LICENSE PROCEDURE", SECTION 3-10 "APPLICATION AND REVIEW PROCEDURES FOR EXTENDED HOURS LICENSES", SECTION 3-11 "REVIEW CRITERIA FOR EXTENDED HOURS LICENSES", AND SECTION 3-12 "ISSUANCE, REVOCATION, AND RENEWAL OF EXTENDED HOURS LICENSE"; AMENDING CHAPTER 16 "LAND DEVELOPMENT CODE", ARTICLE V "DISTRICT REGULATIONS" BY AMENDING SECTION 16-79 "MASTER BUSINESS LIST" TO DELETE REFERENCE TO NIGHTCLUBS IN B-6 DISTRICT; AND AMENDING CHAPTER 16 "LAND DEVELOPMENT CODE", ARTICLE XVII "DEFINITIONS" BY AMENDING SECTION 16-277 "TERMS DEFINED", CONCERNING THE DEFINITION OF NIGHTCLUBS; PROVIDING THAT ALL OTHER PROVISIONS OF ORDINANCE 153-08-A, AS AMENDED, AND THE CODE OF ORDINANCES OF THE CITY OF SUNRISE, FLORIDA, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

The City Commission, in its capacity as the Local Planning Agency, will hold a public hearing on this ordinance on Tuesday, February 10, 2009 in the Commission Chambers at 10770 West Oakland Park Boulevard, 1st Floor, Sunrise, Florida, commencing at 6:15 p.m., in order to make recommendations to the local governing body (City Commission) regarding the proposed amendment. Upon the close of the Local Planning Agency hearing, a public hearing will be held by the Sunrise City Commission at 6:30 p.m., or as soon as the Local Planning Agency adjourns.

The proposed ordinance may be inspected at the Planning and Development Department, 10770 West Oakland Park Boulevard, 1st Floor, Sunrise, Florida 33351, between the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday. Persons with disabilities requiring accommodations in order to participate should contact the City Commission Office at 746-3250 at least 24 hours in advance to request such accommodations.

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. F.S.S. 231.0105.

CITY OF SUNRISE COMPREHENSIVE PLAN NOTICE OF PROPOSED AMENDMENT

The City of Sunrise proposes to adopt the following ordinance:

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, AMENDING THE COMPREHENSIVE PLAN PURSUANT TO SECTION 163.3191(10), FLORIDA STATUTES, BY UPDATING THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, INFRASTRUCTURE ELEMENT, CONSERVATION ELEMENT, RECREATION AND OPEN SPACE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, CAPITAL IMPROVEMENTS ELEMENT, AND PUBLIC SCHOOL FACILITIES ELEMENT IN ACCORDANCE WITH THE EVALUATION AND APPRAISAL REPORT (EAR); UPDATING THE FORMAT OF THE FUTURE LAND USE MAP (FLUM); PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AUTHORIZING STAFF TO TRANSMIT THE AMENDMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The City Commission, in its capacity as the Local Planning Agency, will hold a public hearing on this ordinance on Tuesday, February 10, 2009 in the Commission Chambers at 10770 West Oakland Park Boulevard, 1st Floor, Sunrise, Florida, commencing at 6:15 p.m., in order to make recommendations to the local governing body (City Commission) regarding the proposed amendment. Upon the close of the Local Planning Agency hearing, a public hearing will be held by the Sunrise City Commission at 6:30 p.m., or as soon as the Local Planning Agency hearing adjourns.

The proposed ordinance may be inspected at the Planning and Development Department, 10770 West Oakland Park Boulevard, 1st Floor, Sunrise, Florida 33351, between the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday. Persons with disabilities requiring accommodations in order to participate should contact the City Commission Office at (954) 746-3250 at least 24 hours in advance to request such accommodations.

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AD EAR-LPA-021009.P.

CITY OF SUNRISE COMPREHENSIVE PLAN NOTICE OF PROPOSED AMENDMENT

**The City of Sunrise proposes to
adopt the following ordinance:**

**AN ORDINANCE OF THE CITY OF
SUNRISE, FLORIDA, AMENDING THE
COMPREHENSIVE PLAN PURSUANT TO
SECTION 163.3191(10), FLORIDA STATUTES,
BY UPDATING THE FUTURE LAND USE
ELEMENT, TRANSPORTATION ELEMENT,
HOUSING ELEMENT, INFRASTRUCTURE
ELEMENT, CONSERVATION ELEMENT,
RECREATION AND OPEN SPACE ELEMENT,
INTERGOVERNMENTAL COORDINATION
ELEMENT, CAPITAL IMPROVEMENT SELEMENT,
AND PUBLIC SCHOOL FACILITIES ELEMENT IN
ACCORDANCE WITH THE EVALUATION AND
APPRAISAL REPORT (EAR); UPDATING THE
FORMAT OF THE FUTURE LAND USE MAP
(FLUM); PROVIDING FOR INCLUSION IN THE
COMPREHENSIVE PLAN; AUTHORIZING STAFF
TO TRANSMIT THE AMENDMENTS; PROVIDING
FOR CONFLICT; PROVIDING FOR SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.**

The City Commission will hold a public hearing on this ordinance on Tuesday, July 14, 2009, in the Sunrise Commission Chambers, 10770 West Oakland Park Boulevard, Sunrise, Florida 33351, commencing at 6:30 p.m.

The proposed ordinance may be inspected at the Planning and Development Department, 10770 West Oakland Park Boulevard, 1st Floor, Sunrise, Florida 33351, between the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday. Persons with disabilities requiring accommodations in order to participate should contact the City Commission Office at (954) 746-3250 at least 24 hours in advance to request such accommodations.

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that for such purposes, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. F.S.S. 286.0105.

AD EAR-CCM-071409.P.

1937781

